

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

MARCUS JEROME ECHOLS,)	
)	
Plaintiff)	
)	
vs.)	Case No. 5:16-cv-00036-MHH-HGD
)	
SHERIFF ANNA FRANKLIN,)	
et al.,)	
)	
Defendants)	

MEMORANDUM OPINION

On August 23, 2016, the magistrate judge filed a report in which he recommended that the Court dismiss this action without prejudice for failure to exhaust administrative remedies pursuant to 42 U.S.C. §1997e(a). (Doc. 14). The magistrate judge advised plaintiff Marcus Jerome Echols of his right to file specific, written objections within fourteen (14) days. (Doc. 14, pp. 7-8). To date, Mr. Echols has not filed objections to the magistrate judge's report and recommendation.

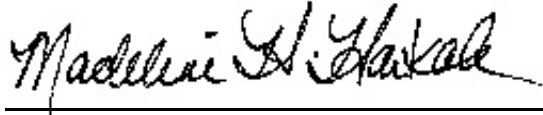
A district court "may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report de novo and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d 776, 779 n. 9 (11th

Cir. 1993); *see also* *LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).¹

Having reviewed Mr. Echols's complaint and the magistrate judge's report and recommendation, the Court finds no misstatements of law in the report and no plain error in the magistrate judge's description of the relevant facts. Therefore, the Court adopts the magistrate judge's report and accepts his recommendation that the Court dismiss this action without prejudice for failure to exhaust administrative remedies pursuant to 42 U.S.C. §1997e(a).

The Court will enter a separate final judgment.

DONE and ENTERED this 29th day of April, 2017.

A handwritten signature in black ink, reading "Madeline H. Haikala". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MADELINE HUGHES HAIKALA
U.S. DISTRICT JUDGE

¹ When a party objects to a report in which a magistrate judge recommends dismissal of the action, a district court must "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. §§ 636(b)(1)(B)-(C).